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JUL 10 2013	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

## **REPORT AND RECOMMENDATION OF U.S. MAGISTRATE JUDGE**

11 This report and recommendation is made to the Honorable Larry R. Hicks, United States  
12 District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28  
13 U.S.C. § 636(b)(1)(B). For the reason set forth below, it is recommended that plaintiff's  
14 complaint be dismissed with prejudice.

## I. BACKGROUND, DISCUSSION & CONCLUSION

16 On June 3, 2013, the court granted plaintiff's request to proceed *in forma pauperis* (#3).  
17 Additionally, the court dismissed plaintiff's complaint without prejudice for failure to state a viable  
18 civil rights claim *Id.* Plaintiff was granted thirty (30) days within which to file an amended  
19 complaint that stated a claim upon which relief may be granted. *Id.* Plaintiff was cautioned that if  
20 he failed to file an amended complaint within the time allotted, the undersigned Magistrate Judge  
21 may recommend that the District Court dismiss plaintiff's action. *Id.*

22 Plaintiff failed to file an amended complaint as ordered and instead filed a very brief  
23 document entitled, “Amendment as to Relief Sought” (#5). This document fails to address the  
24 deficiencies outlined in the court’s order and fails to state a claim upon which relief may be granted.  
25 Therefore, this court recommends that plaintiff’s complaint be **DISMISSED** with prejudice.

26 The parties are advised:

27       1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the  
28 parties may file specific written objections to this report and recommendation within fourteen days  
of receipt. These objections should be entitled “Objections to Magistrate Judge’s Report and

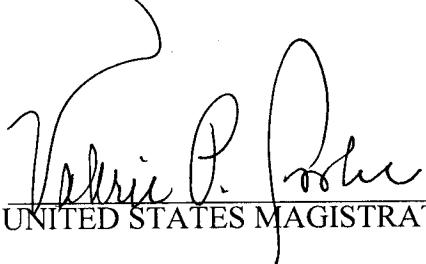
1 Recommendation" and should be accompanied by points and authorities for consideration by the  
2 District Court.

3 2. This report and recommendation is not an appealable order and any notice of appeal  
4 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

5 **II. RECOMMENDATION**

6 **IT IS THEREFORE RECOMMENDED** that the District Court enter an order  
7 **DISMISSING** plaintiff's complaint with prejudice.

8 DATED: July 9, 2013.

  
10 Valerie P. John  
11 UNITED STATES MAGISTRATE JUDGE

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